

MINUTES OF THE NORTH BARRINGTON ZONING BOARD OF APPEALS PUBLIC HEARING HELD TUESDAY, APRIL 10, 2007 AT 7:30 P.M. AT THE NORTH BARRINGTON VILLAGE HALL, 111 OLD BARRINGTON ROAD, IN SAID VILLAGE

1. Call to Order & Roll Call

At 7:31 P.M. Chairman Nass called the Public Hearing to order and the Village Clerk called the roll:

Present: Chairman Warren Nass, Vice Chair John Cifonelli, Carleen Kreider, W. Gene McAlester and Bryan McGonigal
Absent: Joe DiPino, Janis Menges
Also Present: Trustee Jane Farrell
Kris Lennon, Deputy Village Clerk
Robert Ritschel, 284 Oxford Road

Chairman Nass welcomed the audience to the Zoning Board of Appeals Public Hearing and asked that any person wishing to speak during the meeting, stand in order to be sworn in. The witnesses were sworn in.

2. Approve Minutes from the January 9, 2007 Meeting

The Minutes of the January 9, 2007 Meeting were made available to the Board.

Motion: Vice Chair John Cifonelli moved that the Minutes of the January 9, 2007 Meeting be approved as presented; seconded by Carleen Kreider.

Discussion: There was no discussion.

Vote on Motion:

The voice vote was unanimous in favor.

Chairman Nass declared the Minutes of the January 9, 2007 Meeting approved and put on file.

3. The following variations are requested in the petition submitted Mr. & Mrs. Robert Ritschel, 284 Oxford Road, North Barrington, IL 60010:

Chairman Nass explained the variances to the code requested by Mr. & Mrs. Ritschel:

ZR-10-9-4: In all residential districts, accessory buildings and structures shall be located on the rear one-third (1/3) of the plot, but need not be placed more than eighty five feet (85') in back of the front of the lot or right of way.

The proposed accessory structure will be located approximately twenty three feet (23') from the Glen Circle right-of-way.

Chairman Nass explained that the Village has never allowed a detached accessory structure in the front of a residence. Mr. Ritschel's request to build a storage shed 23' feet from the property line along the Glen Circle right-of-way, does not comply with the setback requirements of the Village Zoning Ordinance. Mr. Ritschel's request also includes placing the proposed storage shed adjacent to the existing shed on his neighbor's property. The Village did not issue a permit for his neighbor's existing shed and it is in violation of the Village Zoning Ordinance. Chairman Nass explained that the Village has difficulty enforcing those who violate Village Zoning Ordinances unless a complaint is made by a neighbor or the resident tries to obtain a permit and is denied.

Chairman Nass asked Mr. Ritschel if he had considered ways to hide the shed. Mr. Ritschel stated that Village Forester Susan Allman inspected the property and pointed out the existing trees. Mr. Ritschel explained that he is more than willing to plant more trees if necessary and considers his plan to be the best location for the proposed shed; that it is the most discrete considering the existing trees and the location will keep the shed above the water line (during seasonal rain). Mr. Ritschel stated he would like to place the proposed shed adjacent to his neighbors shed in order to block the side line on each property. Mr. Ritschel added that the existing trees would not be removed and, during the summer months, the trees will help hide the site line in view of the shed.

Chairman Nass explained that his position as Chairman requires him to explain the Village Zoning Ordinances. Additionally, Chairman Nass stated that he is aware of two neighbors who are in favor of Mr. Ritschel's proposed shed. Chairman Nass then asked Vice Chairman Cifonelli to chair the remaining portion of the meeting.

Vice Chairman Cifonelli asked Mr. Ritschel to explain in more detail the particular hardship he would have in placing the structure on any other portion of property.

Mr. Ritschel responded that he has been an owner of the property for approximately six months. The prior owners informed him that in the spring during normal rainfalls, water overflowed from the North Flint Creek onto the property. During a recent rainfall, Mr. Ritschel experienced flooding on his property and was not aware that so much water would overflow and settle in his yard; the water settled within two feet of his porch. Initially, he wanted to place the shed in an area that complied with Village requirements, however, after the recent rainfall, Mr. Ritschel explained that if the shed was placed in the area as originally planned, the shed would be in the flood zone.

Mr. Ritschel further explained he would like to store lawn equipment in the shed and keep chemicals away from his two year old son under lock and key. He would also like it to be a potting shed for his wife to use.

Vice Chairman Cifonelli stated the property is a wildlife habitat with all the native plantings that the previous owner planted.

Mr. Ritschel confirmed that they plan on keeping the native planting exactly the way it is.

Vice Chairman Cifonelli stated it was clear to him that the debris from the last flood came within a few feet from proposed location of shed, and if the shed was moved ten to twenty feet, it would encounter water.

Chairman Nass stated that allowing a variance may create a precedent for the Village and cause future problems pertaining to permit applications involving the location of accessory structures.

In response, Mr. Ritschel stated he has noticed multiple structures within the Village that are closer to the road than his proposed structure and one, in particular, which is twice the size.

Vice Chairman Cifonelli stated he would like to accommodate Mr. Ritschel's request and recommend a zoning variance but that it would require a majority of the vote from the Zoning Board of Appeals. In his opinion, Vice Chairman Cifonelli stated Mr. Ritschel has a valid hardship.

There was discussion among the Board about the proposed accessory structure and whether it met the requirements of the side lot lines.

Mr. Ritschel stated he is more than willing to put trees in the area. Mr. Ritschel agreed to plant two six foot evergreen trees next to the proposed shed and showed Chairman Nass by marking the location of the two new evergreens with a pen on the Plat of Survey. Mr. Ritschel initialed and dated the Plat of Survey.

Chairman Nass asked about the exterior of the shed and materials that will be used.

Vice Chairman Cifonelli stated the Village ordinance requires accessory structures to be made of a wooden material, not metal or plastic.

Mr. Ritschel stated he will be using pine or cedar and the appearance will be natural. He is planning to build the shed himself.

It was noted that there were no objections from Village Forester Susan Allman, Village Health Officer Natalie Karney, or adjacent neighbors to the variance request.

Motion: Carleen Kreider moved to recommend to the Village Board approval of the variance request for Mr. & Mrs. Robert Ritschel to construct a 10 ft. x 12 ft. storage shed at 284 Oxford Road with the location of the storage shed to be approximately 23 feet from the Glen Circle right-of-way as depicted on the Plat of Survey as prepared by Barrington Engineering Consultants, Ltd. dated 8/28/06; the location of the two evergreen trees which are to be planted were added by the homeowner to the Plat of Survey and was initialed and dated; seconded by Bryan McGonigal.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:

Ayes: Chairman Warren Nass, Vice Chair John Cifonelli, Carleen Kreider, W. Gene McAlester and Bryan McGonigal

Nays: None
Absent: Joe DiPino, Janis Menges
Abstain: None

Chairman Nass declared the motion approved and that the recommendation for approval would be made to the Village Board. He stated that the next Village Board Meeting was scheduled for April 25, 2007 at 7:30 p.m. and encouraged Mr. & Mrs. Ritschel to attend.

4. Adjournment

There being no further business to come before the Board, Vice Chairman Cifonelli moved to adjourn the Public Hearing; seconded by Bryan McGonigal.

The voice vote was unanimous in favor.

At 8:01 p.m. Chairman Nass declared the meeting adjourned.

These Minutes were approved by the Zoning Board of Appeals at a Meeting held July 10, 2007.

Attest: _____
Kris Lennon, Deputy Village Clerk